

**Order Prepared and Submitted By:**

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**THE UNITED STATES BANKRUPTCY COURT FOR  
THE DISTRICT OF UTAH, CENTRAL DIVISION**

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In re:

MAXWELL M. HUNTER,

Debtor.

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BLUE OX DEVELOPMENT, LLC,

Plaintiff,

vs.

MAXWELL M. HUNTER,

Defendant.

Bankruptcy Case 19-21181 KRA  
Chapter 7

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Adversary Proceeding 19-02072

Judge Kevin R. Anderson

**FILED ELECTRONICALLY**

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**ORDER DENYING MOTION TO QUASH DEFENDANT'S APRIL 1, 2020  
SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR  
OBJECTS IN AN ADVERSARY PROCEEDING**

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Before the Court for ruling is Plaintiff Blue Ox Development, LLC's ("Blue Ox") *Motion to Quash Defendant's Subpoena to Produce Documents, Information, or Objects in an Adversary Proceeding* [Dkt. Entry #32] (the "Motion to Quash"). The Motion to Quash seeks to quash a subpoena Defendant Maxwell M. Hunter ("Mr. Hunter") served on Aaron Jensen.

On April 23, 2020, Blue Ox filed the Motion to Quash. On April 28, 2020, Blue Ox filed a notice of hearing on the Motion to Quash [Dkt. Entry #33] (the "Notice of Hearing"). The Motion to Quash and the Notice of Hearing were served on Mr. Hunter through CM-ECF on the dates they were filed. The Notice of Hearing provided notice to parties-in-interest, including Mr. Hunter, that in the absence of an objection filed no later than May 15, 2020, the hearing scheduled for May 19, 2020 (which was subsequently continued to June 9, 2020 at 10:00 a.m.) may not be held and an order approving the Motion may be entered without a hearing.

On May 15, 2020, Mr. Hunter filed a *Memorandum in Opposition to Motion to Quash Defendant's Subpoena to Produce Documents, Information, or Objects in an Adversary Proceeding* [Dkt. Entry #37] (the "Objection"). The Objection opposed the relief requested in the Motion to Quash.

On June 9, 2020, a hearing on the Motion to Quash was held. Present at the hearing was Mark C. Rose ("Mr. Rose"), on behalf of Mr. Hunter, and Chad Rasmussen ("Mr. Rasmussen"), on behalf of Blue Ox. All other appearances were noted on the records. At the hearing, the Court reviewed the allegations in the Motion to Quash and the Objection and listened to the arguments of Mr. Rose and Mr. Rasmussen on behalf of their respective clients.

Having reviewed the Motion to Quash, the Objection, and all other documents submitted in this matter, listened to the arguments and representations of counsel, and made certain findings of fact and conclusions of law on the record, it is hereby **ORDERED** as follows:

1. Blue Ox's *Motion to Quash Defendant's Subpoena to Produce Documents, Information, or Objects in an Adversary Proceeding* [Dkt. Entry #32] is **DENIED**. However, the subpoena is modified as provided in this Court's *Order on Motion to Compel*: 1) *Plaintiff to Supplement Responses to Interrogatories*; 2) *Aaron Jensen to Respond to a Subpoena*; and 3) *Payment of Expenses, Including Attorney's Fees*, which is filed concurrently herewith.

-----**END OF ORDER**-----

**Approved as to Form and Content By:**

ALPINA LEGAL

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Chad Rasmussen  
*Attorneys for Blue Ox Development, LLC*

\* To be endorsed via CM-ECF

**DESIGNATION OF PARTIES TO BE SERVED**

Service of the foregoing **ORDER DENYING MOTION TO QUASH DEFENDANT'S APRIL 1, 2020 SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS IN AN ADVERSARY PROCEEDING** shall be served to the parties and in the manner designated below:

**By Electronic Service:** I certify that the parties of record in this case as identified below, are registered CM/ECF users and will be served notice of entry of the foregoing Order through the CM/ECF system:

Chad Rasmussen, [chad@alpinallegal.com](mailto:chad@alpinallegal.com)

Mark C. Rose, [mrose@mbt-law.com](mailto:mrose@mbt-law.com)

**All other parties entitled to electronic notice in this case.**

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Deputy Clerk